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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,503	10/30/2003	David A. Luick	ROC920020009US1	8053
7590	07/19/2006		EXAMINER	
IBM Corporation Intellectual Property Law Dept. 917 3605 Hwy. 52 North Rochester, MN 55901				YU, JAE UN
			ART UNIT	PAPER NUMBER
			2185	
			DATE MAILED: 07/19/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,503	LUICK, DAVID A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jae U. Yu	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 April 2006.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-8, 10-14, 17 and 18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-8, 10-14, 17 and 18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \*    c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

The examiner acknowledges the applicant's submission of the amendment dated 4/20/2006. At this point claims 2-6 and 10-14 have been amended, claims 1, 9, 15 and 16 have been cancelled and claims 17 and 18 have been added. Thus, claims 2-8, 10-14, 17 and 18 are pending in the instant application.

### *Response to Amendment*

In view of the applicant's amendment, the objection to the Specification and the rejections under 35 U.S.C. 112 are withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2-5, 10-13, 17 and 18 are rejected under 35 U.S.C. 103 (a) as being obvious over Peir et al. (US 2003/0208665 A1) in view of Au (US 5,548,795).
2. As per independent claims 17 and 18, Peir et al. disclose, "at least one pipeline [Figure 1] able to selectively load, execute ["Load, Execute", Paragraph 11] and flush as series of instructions [Selectively canceling dependent instructions, Figure 3]."

"At least one fast-load data cache that loads at least one speculative data load relative to the speculative instruction" **Peir et al. discloses the cache (110) in Figure 1, and the "cache hit" determination step in Figure 3.** If there is a cache hit, data must, inherently, have been loaded into the cache relative to the speculative instruction.

"A circuit that determines if the speculative data load is a misprediction **[The computer system determines cache hit/miss, Figure 3]**"

"The pipeline being constructed so that if the speculative data load is a misprediction **[Cache Miss, Figure 3]**, then execution of the dependent instruction is inhibited **[Canceling dependent instruction 330, Figure 3]** while the dependent instruction is in the pipeline **[The dependent instruction is already in the pipeline at this point, Step 320, Figure 3]**, otherwise executing the dependent instruction **[Continue executing the dependent instruction, Figure 3]**"

Peir et al. discloses keeping track of speculative load dependency, as disclosed above. However, Peir et al. does not disclose expressly the limitation, "selectively flagging each of the series of instructions with a flag to indicate dependence".

Au discloses, "**The D\_Flag fields 308 in each record 202 indicate dependency relative to a more forward command record 202**" in column 8, at lines 44-46 and in Figure 3.

Peir et al. and Au are analogous art because they are from the same field of endeavor of determining and processing data/instructions that are dependent on other data/instructions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Peir et al. by including the step of setting a flag bit as taught by Au in column 8, at lines 44-46.

The motivation for doing so would have been to “maintain all command dependencies in a graph structure to reduce the number of address overlap-checks required” as expressly taught by Au in column 7, at lines 14-15.

Therefore, it would have been obvious to combine Au with Peir et al. for the benefit of command dependency indication to obtain the invention as specified in claims 17 and 18.

3. As per claims 2 and 10, “the speculative data load is loaded in the pipeline.” Peir et al. discloses, “The processor 100 may establish a cache hit/miss prediction table (CPT) to record the hit/miss history of memory references and use the CPT to predict cache hit/miss for future memory reference” in paragraph 13. The “processor” corresponds to the “pipelines” from the claim, and the “CPT” corresponds to the “speculative data” from the claim.

4. As per claims 3 and 11, “one or more of the data loads in the pipeline are not dependent on any specific data load and not selectively flagged.” **Peir et al. discloses**, “**Independent instructions scheduled during this one cycle window may be allowed to continue regardless**” in **paragraph 16**. Independent instructions (“the data loads that are not dependent” from the claim) are always executed and flagging them is inherently unnecessary.
5. As per claims 4 and 12, Peir et al. and Au disclose the system recited in claim 1. Au discloses, in **Figure 3**, the “D\_Flag” field 308 within “Command Record” 202. Record 202 corresponds to the “instruction” from the claim. The “D\_Flag” is a bit since it represents a bistate field (**Column 7, Lines 46-48**).
6. As per claims 5 and 13, Peir et al. and Au disclose the system recited in claim 1. Au discloses, in **Figure 3**, the “D\_Flag” field 308 attached to the “Logical Block Address” 302 and 304. The “Logical Block Addresses” correspond to the “data load” from the claim. In addition, examiner notes that mere separation of parts (i.e. flags and data load) is not a patentable distinction over the prior art. See MPEP 2144.04 (C).
7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peir et al. and Au as applied to claim 1 above, and further in view of “The Cache Memory Book” by Jim Handy.

8. As per claim 7, Peir et al. and Au disclose the system recited in claim 1.

However, Peir et al. and Au do not disclose expressly the limitation "the fast-load data cache includes a directory".

In paragraph 27 of the Applicant's specification, it is disclosed that a directory can be omitted if the cache is a one-way associate or direct-map cache. **Handy discloses a two-way associative cache in Page 54, at lines 23-25.** Since the cache is not a one-way associate or direct-map cache, it inherently includes a directory.

Peir et al., Au and Handy are analogous art because they are from the same field of endeavor of computer storage access/management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Peir et al. and Au by including the two-way associative cache as taught by Handy in Page 54.

The motivation for doing so would have been the high hit rate of the small size two-way associative cache as expressly taught by Handy in Page 55, Figure 2.9.

Therefore, it would have been obvious to combine Peir et al. and Au with Handy for the benefit of high cache hit rate to obtain the invention as specified in claim 7.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peir et al. and Au as applied to claim 1 above, and further in view of "The Cache Memory Book" by Jim Handy.

10. As per claim 8, Peir et al. and Au disclose the system recited in claim 1.

However, Peir et al. and Au do not expressly disclose the limitation “the fast-load data cache does not include a directory.”

Sato et al. discloses “**A set of routines which are frequently used in an OS is stored in a local memory arranged in a CPU and having high-speed elements**” in **column 2, at lines 23-26**, wherein the “local memory” corresponds to the “fast-load data cache” from the claim. Sato et al. also discloses “**A local memory which has part of address locations of the main memory as its address location, which is accessed by a CPU, and which can obtain same effect as cache memory without having cache directory**” in the **Abstract**.

Peir et al., Au and Sato et al. are analogous art because they are from the same field of endeavor of computer storage access/management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Peir et al. and Au by including the high-speed “local memory” without cache directory as taught by Sato et al. in **column 2, at lines 23-26** and in the **Abstract**.

The motivation for doing so would have been the improved bus performance as expressly taught by Sato et al. in **column 2, at lines 27-30**.

Therefore, it would have been obvious to combine Peir et al. and Au with Handy for the benefit of improved bus performance to obtain the invention as specified in claim 8.

11. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peir et al. (US 2003/0208665 A1) and Au (US 5,548,795) as applied to claims 17 and 18 above, and further in view of Kyker et al. (US 6,467,027).

12. As per claims 6 and 14, Peir et al. and Au disclose canceling “each flagged instruction from the pipeline upon the determination of a misprediction for a data load” in Figure 3 (Peir et al.).

Peir et al. and Au do not disclose expressly that “canceling instructions” corresponds to “flushing instructions”.

**Kyker et al. disclose instruction flush in column 9, at lines 16-21.**

Peir et al., Au and Kyker et al. are analogous art because they are from the same field of endeavor of instruction processing.

At the time of the invention it would have been to a person of ordinary skill in the art to modify Peir et al. and Au by including instruction flush as taught by Kyker et al. in column 9, at lines 16-21.

The motivation for doing so would have been to allow “process switch” as expressly taught by Kyker et al. in column 9, at lines 16-21.

Therefore, it would have been obvious to combine Kyker et al. with Peir et al. and Au for the benefit of allowing process switch to obtain the invention as specified in claims 6 and 14.

### ***Arguments Concerning Prior Art Rejections***

#### **1<sup>st</sup> Point of Argument:**

The Applicant argues that Peir et al. and Au do not teach the limitation from the new claims 17 and 18, “the pipeline being constructed so that if the speculative data load is a misprediction, then execution of the dependent instruction is inhibited while the dependent instruction is in the pipeline”. The Examiner directs the Applicant’s attention to the rejection for claims 17 and 18 above. Peir et al. disclose, “allow dependent instructions to continue” (320, Figure 3) prior to the “cache hit?” determination step. Therefore, at this point, the dependent instructions are already in the pipeline.

#### **2<sup>nd</sup> Point of Argument:**

The Applicant states that claims 7 and 8 are allowable because they depend on claim 17, which Applicant believes in condition for allowance. However, claim 17 is rejected (See above rejections) and claims 7 and 8 are not allowable.

### ***Conclusion***

#### **A. Claims No Longer in the Application**

Claims 1, 9, 15 and 16 were cancelled by the amendment dated 4/20/2006.

B. Claims Rejected in the Application

Per the instant office action, claims 2-8, 10-14, 17 and 18 have received a second action on the merits and are subject of a second action final.

C. Direction of All Future Remarks

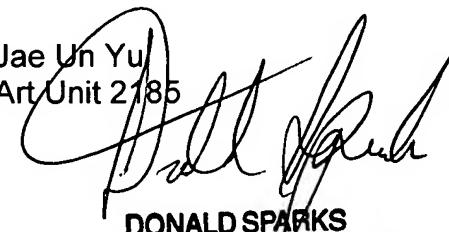
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jae U. Yu whose telephone number is 571-272-1133.

The examiner can normally be reached on M-F 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 10, 2006

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